

REMARKS

By the IDS accompanying this amendment the videotape, now submitted as a DVD illustrating a prototype of the mechanism of the present invention, incorporated on a floating vessel, is resubmitted. The DVD clearly illustrates the mechanism supported in a pool of water. The Examiner's remarks that this mechanism cannot operate in a gravityless vacuum due to Newton's Third Law are appreciated, but the DVD illustrates the claimed mechanism attached to a vehicle operating in a gravity environment in a reactive media as opposed to a vacuum.

By this amendment, claim 9 has been canceled and claims 1-8 have been amended to define a mechanism rather than a propulsion device. The mechanism clearly has utility as a propulsion device, at least for a boat as illustrated in the submitted DVD. Newly added independent claim 10 and dependent claims 11 and 12 are similar in scope to claims 1, 2 and 3 and define a mechanism for a propulsion device supported on a reactive media. Again, this use of the invention is illustrated in the accompanying DVD.

Original claims 1-9 were rejected under 35 U.S.C. §112 as failing to comply with the enablement requirement. The Examiner stated it is unknown how one in the art could utilize the claimed apparatus in such a way as to enable one skilled in the art to make and/or use the apparatus as a propulsion device. It is respectfully submitted that the amendments to the claims obviate this rejection. Claims 1-8 are now directed toward a mechanism per se, which is clearly illustrated and described in the specification, and the newly added claims relate to a mechanism for a propulsion device on a reactive media which is clearly enabled by the disclosure.

Claims 1-9 were also rejected under 35 U.S.C. §101 on the grounds that the disclosed invention is inoperative and therefore lacks utility. By limiting the claims to a mechanism and to a mechanism for a propulsion device supported on a reactive media it is believed that this

rejection is obviated. While the Examiner's remarks may apply to a mechanism for propelling the vehicle in a gravityless vacuum, the present claims do not relate to a vehicle operating in that environment. While the present invention is clearly operative in a vehicle operating in a reactionary media, as illustrated in the submitted video, that operation is believed to be based on the vibratory forces generated by the unbalanced masses. The interaction of those vibratory forces with the supporting media clearly generates the propulsive force. It is respectfully submitted that the requirement that the Applicant demonstrate the operability of the apparatus by way of a working model incorporating the claimed structure has been met by this submission.

Original claims 1-3, 5-6 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bristow, Jr. in view of Oades. As the Examiner recognizes, Bristow, Jr. does not disclose individual unbalanced masses connected to arms rotating about a fixed gear in a planetary manner. The Examiner states that it would have been obvious to one of ordinary skill in the art to utilize the mechanism of Oades for each of the counter-rotating the counter-synchronized masses of Bristow, Jr. so as to move the masses cyclically such that the distance from the first axis is at a maximum in the direction of propulsion and at a minimum in a direction opposite to the direction of propulsion thereby maximizing the force vectoring effect. However, there is clearly no disclosure or suggestion of the Examiner's hindsight reconstruction of the claimed apparatus in these cited references. Combining elements of the two mechanisms produces a completely different mechanism clearly not intended by the inventors of the two references.

Claims 1-3 and 5-9 were similarly rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Bristow, Jr. and Oades, further in view of Claxton which discloses the use of battery, nuclear or solar means for providing electricity to a propulsion

driving means. However, Claxton does not add any teaching to the combination of the two primary references which would anticipate the independent claims.

Newly added claims 10-12 define the mechanism as a propulsion unit for a device supported on a reactive surface. Since this invention would not violate Newton's Third Law and distinguishes from the cited references in the same manner as claims 1-8, it is believed to patentably distinguish over the cited references and reconsideration and allowance are respectfully solicited.

Respectfully submitted,



Allen M. Krass
Registration No. 18,277
Gifford, Krass, Groh, Sprinkle,
Anderson & Citkowski, P.C.
2701 Troy Center Drive, Suite 330
P.O. Box 7021
Troy, MI 48007-7021
(248) 647-6000

Attorney for Applicant

AMK/gs

GS-\\Patlaw-sql\\ipdas documents\\29SAS\\SAS-10002_29\\SAS-10002_29 - Amendment.doc

Serial No. 10/631,194
Response to Office Action of October 17, 2005



CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" MAILING LABEL NUMBER _____ **EV857106969US**

DATE OF DEPOSIT July 28, 2006

I hereby certify that this paper or fee (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Janice Burkhardt
Janice Burkhardt